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MEMORANDUM

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NATIONAL SECURITY COUNCIL

December 16, 1981

INFORMATION

MEMORANDUM FOR

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FROM: RAYMOND TANTER (RT)

**SUBJECT: Golan Heights: Briefing Material for Meeting
in SITRM at 4:30 p.m., December 16, 1981**

Attached are materials relevant to your meeting on December 16 in the SITRM at 4:30 p.m. The Tab A statement and subsequent attachments have been cleared with the State Department.

Attachments: .

- Tab A Golan Heights background paper
- Tab B The Golan Heights Law
- Tab C State's December 14, 1981 Public Statement on the Golan
- Tab D State Presidential Statement on Israel and the Golan Heights
- Tab E Syrian Draft Resolution on Israel's De Facto Annexation of the Golan Heights
- Tab F European Community Foreign Ministers' Statement of December 15, 1981 on the Golan Heights
- Tab G NSC Presidential Statement on Israel and the Golan Heights

NSC REVIEW COMPLETED

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Rvw. on December 16, 1987

Tab A

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December 16, 1981

GOLAN HEIGHTSBackground

Israel's Parliament, the Knesset, overwhelmingly passed a bill formally extending Israeli law, administration, and jurisdiction to the occupied Golan region of Syria. A copy of the Golan Heights Law is at Tab B. Prior to passage of this law, Israel's law applied as a result of a June 1969 decree by the Military Governor of the Golan. Formal extension of Israel's law, administration, and jurisdiction amounts to de facto annexation.

What is State's Response to Israel's Golan Action?

State's public statement of December 14, 1981 is at Tab C. It opposes unilateral changes in the status quo on the Golan as being contrary to UN Resolutions 242 and 338. Extending Israel's law to the Golan, moreover, violates international law relating to belligerent occupation. The statement distances the U.S. from Israel without adding unnecessary heat to the public debate.

In private demarches to Syria, State has tried to keep Syria from repudiating, in the heat of public rhetoric, the ceasefire with Israel of 1973, the 1974 disengagement agreement with Israel, and the United Nations Disengagement Observer Force (UNDOF) mandate.

The Secretary of State telephoned Israel's Ambassador to Washington, Evron, on December 14 and called him in for a meeting on the 15th to express deep concern over the Golan move. The Secretary requested some means for Israel to soften the impact of the Golan action, so that it does not alienate constructive Arab governments and seriously undercut the peace process. Unless something is done by Israel to mitigate, explain, or limit the effect of the Knesset's action, Israel and the US will be set on divergent courses. Evron brought a letter to Haig from Israeli Foreign Minister Shamir. Although the letter stressed Israel's commitment to achieving peace, it did not provide the Secretary with what he needed to ameliorate the situation. (See Presidential statement drafted by State at Tab D).

What are some Foreign Responses to Israel's Golan Action?

Syria did not cancel its 1973 ceasefire with Israel as a result of the Golan action as press reports falsely claimed. Syria's position is that Israel, by adopting the Golan Heights Law, has cancelled the basis for the ceasefire between Israel and Syria, i.e., UN Security Council Resolution 338, which calls for a ceasefire in the 1973 war and for negotiations between the parties based upon Resolution 242.

Syria is playing it fairly cool for the moment by opting for United Nations action. Syria's draft resolution is not as bad as had been expected, e.g., it does not call for sanctions and could

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conceivably be modified to win US support. In this regard, the Syrian draft contains an implicit call for sanctions in the form of an automatic triggering mechanism in the last paragraph of the draft. The Syrians, however, indicate a willingness to make changes in this paragraph, but they stand firm on the first three operative paragraphs of the draft, which is at Tab E. The U.S. strategy with Syria is being patterned after the close consultations with Iraq that took place in June 1981 after Israel's bombing of the Iraqi nuclear facility, i.e., the U.S. and Syria have begun to consult and to work out a resolution both can support.

Egypt's reaction has been restrained. Its autonomy delegation asked for a delay in negotiations during a meeting in Tel Aviv, received instructions from Cairo, then returned to the talks. Egypt's Foreign Minister characterized Israel's Golan actions as a "pity" and upsetting to all moderate Arab states which were working for a peaceful solution. Egypt's Ambassador to Washington Ghorbal met with Secretary Haig on December 15 and asked that the U.S. work to contain the situation. It seems clear that Egypt is not going to take any action which would jeopardize Israel's scheduled withdrawal from Sinai in April 1982.

The European reaction has been firm but restrained. See Tab F for the European Community's statement. Even though the statement refrains from linking Israel's actions to the Multinational Force and Observers (MFO), the Europeans will probably delay the agreement that would have nailed down the participation of four European states in the MFO. As long as the US continues to distance itself from Israel's Golan moves, however, this should reassure the Europeans and bring the MFO negotiations back on track soon.

Implications

Lebanon is the most likely arena for observing consequences of Israel's de facto annexation of Golan. If Syria wishes to show its displeasure, the path of least risk is Lebanon as opposed to a direct confrontation with Israel in the Golan itself. Lebanon is a place where Syria could stimulate rejectionist Palestinians to break the cessation of hostilities along the Lebanon-Israel border with a minimal risk that Israel will strike at the Syrian homeland.

If Syria initiates a war of attrition along the Golan following the pattern of the spring of 1974 fighting with Israel, Syria risks a dramatic escalation in light of recent rumors of Israeli and Syrian troop alerts around the Golan area. Also, Israel is unwilling to be bled to death in another war of attrition.

Even if Syria confines itself to stimulating its Palestinian surrogates to challenge Israel in Lebanon, there is no guarantee that fighting will be confined to the Lebanon/Israel border area as it was in the summer of 1981.

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Actions that Need to be Taken Re the Golan

- Decide whether the President should issue a statement and the contents thereof (see Tab G).
- Decide what the U.S. position should be on the UN Security Council Resolution(s).
- Decide on to whom what demarches need to be sent and from whom. For example, should the President send a letter to Prime Minister Begin?
- Decide if Ambassador Habib should return to the region in light of the expectation that Syria will stimulate renewed fighting in Lebanon.

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Tab B

December 14, 1981

THE GOLAN HEIGHTS LAW

The law, legislation and administration of the state will apply to the territory of the Golan Heights as described in the appendix. All the Knesset members received the appendix together with the typed draft law describing what the Golan Heights is according to a map.

This law goes into effect on the day it is approved by the Knesset. The Interior Minister is in charge of executing this law and he is allowed to issue regulations for its implementation.

Tab C

State's December 14, 1981 Public Statement on the Golan:

We would be concerned over and oppose any effort to change the status quo of the Golan unilaterally. Our view is and remains that any unilateral change in the status of the Golan Heights or any of the territories occupied by Israel in the 1967 war would be contrary to UN Security Council Resolutions 242 and 338, on which the Camp David Accords and all Middle East peace negotiations since 1967 have been based. It would violate international law relating to belligerent occupation.

Tab D

December 15, 1981

**State Presidential Statement on Israel
and the Golan Heights**

As you know, we have already been in touch with the Israeli Government to express our strong views against any effort to change the status of the Golan unilaterally. I do not wish to comment further at this time, other than to emphasize that the final status of the Golan is to be determined in negotiations between the parties on the basis of Security Council Resolutions 338 and 242.

December 16, 1981

Tab E

**Syrian Draft Resolution on Israel's De Facto Annexation
of the Golan Heights**

The Security Council having considered the letter of 14 December 1981 from the permanent representative of the Syrian Arab Republic contained in document S/14791, reaffirming that the acquisition of territory by force is inadmissible:

1. Decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Golan Heights is null and void;
2. Demands that Israel, the occupying power, should rescind forthwith its decision referred to above not later than one week from the adoption of this resolution;
3. Determines that all the provisions of the Geneva convention relative to the protection of civilian persons in time of war of 12 August 1949 continue to apply to the Syrian territory occupied by Israel since June 1967;
4. Requests the Secretary-General to report to the Security Council on the implementation of this Resolution not later than (one week), and in the event of non-compliance by Israel, the Security Council would meet urgently to take necessary measures in accordance with the charter of the United Nations.

Tab F

**EC Foreign Ministers' Statement of December 15, 1981
on the Golan Heights**

The Foreign Ministers of the member states of the European Community strongly deplore the decision of the Government and Knesset of Israel to extend Israeli territory in the Golan Heights. Such an extension, which is tantamount to annexation, is contrary to international law, and therefore invalid in our eyes. This step prejudices the possibility of the implementation of Security Council Resolution 242, and is bound to complicate further the search for a comprehensive peace settlement in the Middle East to which we remain committed.

Tab G

December 16, 1981

**NSC Presidential Statement on Israel
and the Golan Heights (State concurs)**

The United States is committed to a process of negotiations in order to achieve a comprehensive peace between Israel and its Arab neighbors. The Government of Israel's extension of its laws to the Golan Heights is a unilateral change in the status quo and thereby contrary to UN Security Council Resolutions 242 and 338, on which the Camp David Accords are based.

The United States strongly deplores Israel's unilateral actions.